

REMARKS

By this Amendment, claims 1, 36, and 49 have been amended, and new claims 60-65 have been added. Each of the amendments and new claims is fully supported by the originally filed application, thus, no new matter has been added by this Amendment.

In the Office Action, claims 1-3, 6, 8, 9, 14, 22, 28-34, 36-42, and 48-59 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,095,587 to Ishikawa ("Ishikawa"). In addition, claims 17 and 45-47 were identified as containing allowable subject matter.

Applicants thank the Examiner for identifying the allowable subject matter of claims 17 and 45-47. Applicants have added new claims 60-62 corresponding to claims 17, 45, and 47, respectively, rewritten in independent form. Applicants request the entry and allowance of these new claims based on the Examiner's comments.

Applicants respectfully traverse the rejection of independent claims 1, 36, 49, and 54 based on Ishikawa. Each of claims 1, 36, and 49, as currently amended, and claim 54, as previously presented, requires, among other things, a proximal end-piece and a distal end-piece, the end-pieces having substantially the same shape. The amended claim features are supported at least by original FIGS. 1-3B. *See, e.g., Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1564, 19 U.S.P.Q.2d 1111, 1117 (Fed. Cir. 1991) ("[D]rawings alone *may* be sufficient to provide the 'written description of the invention' required by §112, first paragraph.") (emphasis in original); *Koito Mfg. Co. v. Turn-Key-*

Tech, LLC, 381 F.3d 1142, 1154, 72 U.S.P.Q.2d 1190, 1199 (Fed. Cir. 2004) (“[T]he written description requirement can be satisfied by ‘words, structures, *figures, diagrams, formulas, etc.*’”) (emphasis in original) (holding that claims met the written description requirement where a flow channel was claimed as being “significantly thicker and wider” than an adjacent layer because Figure 1 of the patent clearly showed this feature, even though the specification did not describe this feature with words).

Ishikawa, however, does not disclose or suggest end-pieces having substantially the same shape. Instead, Ishikawa teaches a magnetic ornament “provided with connections 9 and 9’ at its ends.” (Ishikawa, col. 2, ll. 56-57.) As shown in Figure 5, the first connection 9 is substantially C-shaped and includes a discontinuous or open portion. The first connection 9 also includes, what appears to be, a protrusion proximate the open portion. The second connection 9’, on the other hand, does not even remotely resemble the C-shape of the first connection 9. To the contrary, the second connection 9’ has a substantially trapezoidal shape with rounded edges. Other than the illustration of Figure 5, Ishikawa provides no further description of the connections 9, 9’. Ishikawa, therefore, does not disclose or suggest, among other things, end-pieces having substantially the same shape, as recited in independent claims 1, 36, 49, and 54. Although independent claim 54, as previously presented, was rejected in view of Ishikawa, the Office Action gives no citation to any teaching in Ishikawa of end-pieces having substantially the same shape. Thus, should the

Examiner decide to include this rejection in a further Office Action, Applicants request that the Examiner provide adequate citation to such a teaching.

Claims 2-12, 14, 15, 17-20, 23, 45, 48, and 63 depend directly or indirectly from independent claim 1, claims 37-42, 47, and 64 depend directly or indirectly from independent claim 36, claims 50-53 and 65 depend directly or indirectly from independent claim 49, and claims 55-59 depend directly or indirectly from claim 54. Thus, each of these dependent claims is allowable for at least the same reasons stated above with regard to claims 1, 36, 49, and 54. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and, therefore, each is also separately patentable. Though some of these dependent claims have been withdrawn, Applicants request consideration of the withdrawn claims based on the allowability of claims 1, 36, 49, and 54.

Applicants also respectfully traverse the rejection of independent claim 22 based on Ishikawa. Claim 22 requires, among other things, a proximal end-piece and a distal end-piece, wherein at least one of said end-pieces is substantially spherical. These claim features are supported at least by original FIGS. 1 and 2.

Ishikawa, however, does not disclose or suggest a device wherein at least one of the end-pieces is substantially spherical. Instead, as discussed above, Ishikawa teaches a device having a first connection 9 that is substantially C-shaped and includes a discontinuous or open portion. The second connection 9', on the other hand, has a

substantially trapezoidal shape with rounded edges. Ishikawa does not include any written description indicating that either of the connections 9, 9' are substantially spherical, nor does the specification include any figures or illustrations that disclose or suggest such features. Thus, Applicants respectfully disagree with the assertion in the Office Action that the "substantially spherical" limitation of claim 22 is met by Ishikawa because "both end pieces comprise circular surfaces." (Office Action, p. 2, ¶ 1.) Even if this characterization of the prior art was accurate, none of the connections 9, 9' taught by Ishikawa are substantially spherical. Moreover, there are countless examples of structures that include *circular surfaces*, but not all of these structures are *substantially spherical*. Accordingly, Applicants request withdrawal of this rejection and allowance of claim 22. Should the Examiner decide to include this rejection in a further Office Action, Applicants request that the Examiner provide adequate citation to the teaching of at least one of the end-pieces being substantially spherical in Ishikawa.

Claims 28-34 and 46 depend directly or indirectly from claim 22. Thus, each of these dependent claims is allowable for at least the same reasons stated above with regard to claim 22. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and, therefore, each is also separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art cited

against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.


The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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Dated: November 21, 2006

By: 

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